

*DISTRICT*  
UNITED STATES COURT ~~OF APPEALS~~  
*DISTRICT OF MASSACHUSETTS*  
~~FEDERAL CIRCUIT~~

*C.A.*  
Appeal No. 04-10354-NG

NICHOLAS V. LIAKAS,  
Plaintiff - Appellant,

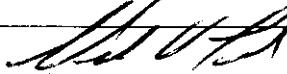
v.

UNITED STATES DEPARTMENT OF EDUCATION  
c/o AMERICAN STUDENT ASSISTANCE,  
Defendant - Appellee.

Appeal from a Judgment

Of the United States District Court  
For the District of Massachusetts

BRIEF OF PLAINTIFF-APPELLANT NICHOLAS V. LIAKAS

  
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UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

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Appeal No.

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NICHOLAS V. LIAKAS,  
Plaintiff - Appellant,

v.

UNITED STATES DEPARTMENT OF EDUCATION  
c/o AMERICAN STUDENT ASSISTANCE,  
Defendant - Appellee

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Appeal from a Judgment

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BRIEF OF PLAINTIFF-APPELLANT NICHOLAS V. LIAKAS

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ISSUE PRESENTED FOR REVIEW

The issue is did I in fact have a claim before the Court?

STATEMENT OF THE CASE

In November 2001, in response to a lawsuit brought before it by the Department of Education, the Malden District Court ordered the Plaintiff to pay fifty dollars (\$50) per month to American Student Assistance to be applied against his loans. This judgment of \$50.00 per month was determined after considering all of Plaintiff's income and assets, including his Social Security benefit check. Plaintiff has been paying \$50.00 per month by Postal Order, but the Department of Education subsequent to this order directed the Department of the Treasury to garnish 15% of his Social Security check. The amount garnished from Plaintiff's Social Security check, in violation of the Malden District Court Order, amounts to over Six Thousand Dollars (\$6,000). This is the CLAIM.

**ARGUMENT**

- A. The court allowed proceeding in forma pauperis
- B. The court should have served the Department of Education
- C. The court should have scheduled a conference, or

**IN THE ALTERNATIVE**

Offered the Plaintiff to participate in an “alternative dispute resolution program” enlisting, in lieu of District Judges or Magistrate Judges, the assistance of experienced private attorneys to volunteer their time to act as facilitators in the Court’s ADR program.

**CONCLUSION**

Based upon the foregoing, Plaintiff’s complaint should not be dismissed. The Court should serve the original complaint upon the Department of Education.